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Deborah A. Klar

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DENNIS MONTGOMERY, and the  
MONTGOMERY FAMILY TRUST,

3:06-CV-00056-PMP-VPC  
Base File

3:06-CV-00145-PMP-VPC

v.

ETREPPID TECHNOLOGIES, L.L.C.,  
WARREN TREPP, and the UNITED STATES  
DEPARTMENT OF DEFENSE,

**REPLY IN SUPPORT OF MOTION  
FOR RULING ON EVIDENTIARY  
OBJECTIONS**

AND ALL RELATED MATTERS.

Deborah A. Klar ("Ms. Klar"), by and through counsel, Gary R. Goodheart, Esq., of Jones Vargas, submits her Reply in support of her Motion for Ruling on Evidentiary Objections (Doc. 1106). This Reply is based upon all pleadings, papers, and exhibits on filed herein, and upon any

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oral argument at a hearing on this matter.

DATED this 31st day of August, 2009.

**JONES VARGAS**

By: /s Gary R. Goodheart  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Contrary to the invective and ad hominem attacks contained in Mr. Flynn's Response (Doc. 1121), the simple purposes behind the filing of the present Motion (Doc. 1106) was (i) to ensure the completeness of the record in this matter and (ii) to invite the Court to rule upon specific evidentiary objections upon which no ruling yet had been made. The Motion was also in accord with the Order of the Magistrate Judge of January 23, 2008 [Doc. 419 at 3] regarding objections to evidence in the Montgomery litigation.

Likewise, the purpose of Ms. Klar's Objections (Doc. 1116) to the Magistrate Judge's Minute Order of August 7, 2009 (Doc. 1114), was to suggest to the Court that additional briefing on the objections was unwarranted. Montgomery's evidentiary objections had been fully briefed as of May 27, 2008, when Mr. Flynn filed his Reply in Support of the Motion for Sanctions, pursuant to Local Rule 7-2. The piecemeal briefing of evidentiary objections, long after the normal briefing schedule has been completed, is not supported by rule or statute.

Ms. Klar is not, as Mr. Flynn states, "trying to manufacture an issue for appeal." Response, 1. Instead, by the current filing she is attempting merely to preserve issues and ensure that the record in this case is complete. The present Motion, therefore, is neither moot nor irrelevant, as Mr.

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1 Flynn suggests. The evidentiary objections concerned evidence in the record upon which, in part,  
2 the Order Re: Motion for Sanctions (Doc. 985) was based, and Mr. Flynn's assertion that there is no  
3 connection between the evidence he presented as part of his Motion for Sanctions (Doc. 545 and  
4 associated filings) and the Order itself is without merit.

5 Ms. Klar respectfully requests that this Court grant her Motion.

6 DATED this 31st day of August, 2009.

7 **JONES VARGAS**

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**CERTIFICATE OF SERVICE**

Pursuant to Fed.R.Civ.P.5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of JONES VARGAS, and that the foregoing document was served via electronic service on August 31, 2009 to the following parties:

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25 /s/ Barbara Seed  
26 An employee of Jones Vargas  
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